



PATENT
P-3959P1

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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ORIGINALLY FILED

APPLICANT(S): Dicesare et al.

SERIAL NO.: 09/727,282 ✓

GROUP: ~~7143~~

FILING DATE: November 30, 2000

EXAMINER: Quan, E

FOR: Device and Method for Separating Components of a Fluid Sample

TERMINAL DISCLAIMER

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

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TC 1700

I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS BEING DEPOSITED WITH THE UNITED STATES POSTAL SERVICE AS FIRST CLASS MAIL IN AN ENVELOPE ADDRESSED TO: COMMISSIONER OF PATENTS AND TRADEMARKS, WASHINGTON, D.C. 20231	
ON:	JULY 3, 2002 (DATE OF DEPOSIT)
BY:	URSULA M. POLIGNONE (NAME)
	<i>Ursula M. Polignone</i> 7/3/02 (SIGNATURE) (DATE)

Petitioner, Becton, Dickinson and Company, is the owner of the entire interest in the instant application. Petitioner hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. §154 to §156 and §173, as presently shortened by any terminal disclaimer, of any patents issuing from U.S. Patent Application Serial Number 09/454,988. Petitioner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, petitioner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. §154 to §156 and §173 of the U.S. Patent Application Serial Number 09/454,988, as presently shortened by any terminal disclaimer, in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR §1.321, has all claims cancelled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

The undersigned is an attorney or agent of record in the subject patent application.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Please charge the fee of \$110.00 required by 37 CFR §1.20(d) for filing this Terminal Disclaimer to Deposit Account No. 02-1666. Triplicate copies of this sheet are enclosed. The Commissioner is hereby authorized to charge any additional fees or credit any overpayment to Deposit Account No. 02-1666.

July 2, 2002

Date

Nanette S. Thomas

Nanette S. Thomas
Registration No. 33,310

<input type="checkbox"/>
<input checked="" type="checkbox"/>

PTO suggested wording for terminal disclaimer was unchanged.

PTO suggested wording for terminal disclaimer was changed (explanation should be supplied).

Explanation of change in suggested wording for terminal disclaimer: The suggested wording of this terminal disclaimer was changed to state that the person signing the terminal disclaimer is an attorney or agent of assignee rather than a person empowered to act on behalf of the organization, as is permitted under revised 37 CFR §1.321 (1156 OG 56 and 60, November 16, 1993)

Doc#54834